

Application No. 10/535,362
Technology Center 3754
Reply dated February 1, 2010
In Response to Notice of Non-Compliant Amendment dated December 30, 2009

REMARKS

Claims 1-20 are pending in the above-identified US Patent Application, and claims 10, 14-17 and 20 are currently withdrawn due to an election requirement.

In the Notice of Non-Compliant Amendment, the Examiner explained

[Applicants' prior response of September 1, 2009] fails to discuss the specifics of why the new claims 21 and 22 read over the prior art of record, and it also is not clear whether these two claims are drawn to the elected species or not

For the Examiner's convenience, new dependent claims 21 and 22 are reproduced below.

Claim 21: Hose member according to claim 1, wherein the fluid transportation system is a vehicle braking system and the fluid contained by the tubes is brake fluid.

Claim 22: Hose member according to claim 1, wherein the fluid transportation system is a vehicle air-conditioning system and the fluid contained by the tubes is carbon dioxide.

Prior Art Rejections:

In their prior response, Applicants argued that amended independent claim 1 is believed to be allowable over the applied prior art of GB 838,070 to Flexonics, DE 10110706 to Holger, CH 321638 to Trevaskis, and U.S. Patent No. 2,832,374 to November. Because claims 21 and 22 depend from claim 1, they are also believed to be allowable over the prior art of record for at least the reasons stated in Applicants' prior response for the allowability of parent claim 1. In particular, "a hose that exhibits a desirable balance of compliance, strength, and pressure drop" (as argued in Applicants' prior response) would be particularly critical for fluid transportation systems such as vehicle braking systems (claim 21) and vehicle air-conditioning systems (claim 22).

In view of the above, Applicants respectfully believe new dependent claims 21 and 22 are not anticipated by Flexonics, Holger and Trevaskis under 35 USC §102, and are not obviated by November under 35 USC §103.

Species Election:

Also in their prior response, Applicants stated that they “believe independent claim 1 is still generic, and as now amended is generic to claims 2-22.” Claims 21 and 22 are believed to read on the elected species of FIG. 4, in that claims 21 and 22 specify the type of fluid transportation system recited in claim 1, which applies to all of the hoselike members 1 shown in FIGS. 3 to 11. For example, the paragraph bridging pages 5 and 6 of the specification states

The hoselike member (1) may be used in high pressure systems carrying gas, air, water, steam, petrochemicals or any other substance in order to allow individual movement of the equipment and the connecting lines. The member (1) may also be used in braking systems on vehicles and other means of transport. In these types of applications it may be used with or without a core carrier.

The first full paragraph on page 2 of the specification discloses carbon dioxide as a gas used in vehicle air-conditioning system.

Finally, claims 21 and 22 do not recite any limitations that would restrict claim 21 or 22 to the characteristics of any of the non-elected species of FIGS. 3 (pitch angle V < 50 degrees) or FIG. 5 (central cavity 11), or the non-elected subspecies of FIGS. 6, 7, 9 or 10 (a core member 10 that completely fills the central cavity 11 surrounded by the one or more layers of tubes 6).

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Closing:

Should the Examiner have any questions with respect to any matter now of record, Applicants' representative may be reached at (219) 462-4999.

Respectfully submitted,



Gary M. Hartman
Reg. No. 33,898

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Hartman & Hartman, P.C.
Valparaiso, Indiana 46383
TEL.: (219) 462-4999
FAX: (219) 464-1166